IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.772 OF 2005

1. M/s Rathi Builders Pvt.
Ltd and Ors. ...Appellants.

V/s

1. M/s Shreeraj Builders
and Ors. ...Respondents.

Mr. R.S. Apte with Mr. U.B. Nighor for the appellants.

Mr. Harshad E. Palve for the respondent Nos. 2 to 4

ALONG WITH
APPEAL FROM ORDER STAMP NO. 21215 OF 2005

1. Shriraj Builders and Developers
and Ors. ... Appellants.

V/s

Rathi Builders Pvt. Ltd.,
and Ors. ...Respondents.

Mr. Harshad E. Palve for the appellants.

Mr. R.S. Apte with Mr. U.B Nighot for the appellants.

CORAM: V.M.KANADE,J.
DATE: 28th October, 2005

P.C.

1. Heard the learned Counsel appearing on behalf of the appellants and the learned Counsel appearing on behalf of the respondents.

2. Appellants are the original defendants and they are challenging the impugned order passed by the trial court rejecting his application whereby they had

claimed injunction, restraining the respondents/plaintiffs from creating third party rights in respect of the part of the property described as 1A.

3. The learned counsel appearing on behalf of the respondents/plaintiffs submits on instructions that his clients will not create third party rights in respect of the property which is described as 1A i.e. property minus 1B & 1C which is more particularly described in the order passed by the trial court. It is an admitted position that the trial has already commenced and the plaintiffs have already closed their evidence and the defendants are to be examined on the next date. The trial, thus, in any case, is likely to be over within a couple of weeks. In my view, therefore, there is no reason to interfere with the impugned order in view of the statement made by the learned counsel appearing on behalf of the plaintiffs. The trial court, however, is directed to expedite the hearing of the trial and decide the same, in any case, within a period of two months. With these directions appeal from order is disposed of.

V.M. KANADE, J.